



MINUTES OF THE REGULAR MEETING  
OF THE PLANNING COMMISSION  
CITY COMMISSION CHAMBERS, CITY HALL

THURSDAY, JUNE 20, 2013 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, June 20, 2013, in the Commission Chambers at City Hall. Chairman James Argento called the meeting to order at 4:30 p.m. The following Commission members were present:

James Argento  
Clell Coleman  
Agnes Berry  
Charles Townsend  
Frazier J. Marshall  
Ted Bowersox

City staff that was present included Bill Wiley, Community Development Director, Dan Miller, Senior Planner, and Dianne Pacewicz, Administrative Assistant II. City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by Commissioner Charles Townsend and the Pledge of Allegiance to the Flag.

Dan Miller, Community Development Director, informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Dianne Pacewicz swore in staff as well as anyone wishing to speak.

**MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR MAY 16, 2013.**

**Commissioner Agnes Berry moved to APPROVE the minutes from the MAY 16, 2013 meeting. Commissioner Ted Bowersox SECONDED the motion, which was PASSED by a vote of 6 to 0.**

**NEW BUSINESS**

**1. PUBLIC HEARING CASE # PUD-13-63 – REDUS (VENETIAN ISLE) – PLANNED DEVELOPMENTS REZONING**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 58.6 ACRES FROM PUD (PLANNED UNIT DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT) FOR A PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF DIXIE AVENUE AND SOUTH LAKE STREET AS LEGALLY DESCRIBED IN SECTION 25, TOWNSHIP 19, RANGE 24, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (CITY COMMISSION DATES - 1<sup>st</sup> READING ON JULY 8<sup>TH</sup>, 2013 AND A 2<sup>ND</sup> READING ON JULY 22<sup>ND</sup>, 2013)

Dan Miller gave a background of the property stating that this case was approved previously in 2005 in the same format as it is being presented today (Ordinance #05-85). The PUD phasing portion of the ordinance

expired in 2008 due to the bad economy. There was also a neighborhood meeting on June 3, 2013 with the residents on Mellathon Circle and Monterey Drive.

Mr. Miller entered and presented the exhibits into record. The exhibit items included the staff summary, departmental review summary, staff recommendations, general location/aerial map, land use and zoning maps, wetlands and flood zone map, site photos, and conceptual site plan.

There were three substantive comments received from the departments.

“There is a special flood hazard area (zone A, undefined) in the northeast portion of this property and an AE zone (BFE – 63.8) in the southwest portion of the property. The limits of the Zone A in the NE section will require a base flood elevation determination and site plans will require review to insure compliance with flood zone restrictions.” – DC Maudlin

“The existing sanitary sewer system does not have adequate capacity for a development of this size. Offsite improvements may be required at the owners expense.” – Robert Beard

“The conceptual site plan does not reflect the addition of a private gated access to the residential lots on Mellathon Cr. as designed on the original concept for this property. The current conceptual plan does not show any access to these existing and developed lots. If the site plan is to be integrated into the PUD it should reflect closely the designed access to these parcels. Public Works engineering department does not object to the PUD but does request a modified site plan. Proper access will be required during the development review process for this property.” – Adrian Parker

There were three public response received for approval and no responses were received for disapproval.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. The proposed PUD (Planned Unit Development) zoning district is compatible with adjacent property in the City zoned R-1A (Single Family Residential) to the south and City R-3 (High Density Residential) to the east and City C-2 (Community Commercial) and P (Public) to the north and C-2 (Community Commercial), R-2 (Medium Density Residential), R-3 (High Density Residential) and PUD (Planned Unit Development) to the west. As conditioned, the proposed use does not appear to be detrimental to surrounding properties.
2. The proposed zoning district PUD (Planned Unit Development) as conditioned and shown in the attached “Exhibit A” is compatible with the existing City Future Land Use designation of General Commercial.
3. The rezoning of the subject properties is consistent with the City’s Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

#### Action Requested:

1. Vote to approve the staff recommendation to rezone the subject property with the proposed Venetian Isle Planned Development Conditions attached hereto as Exhibit A and forward to the City Commission for consideration.

Dan Miller highlighted the following in the PUD conditions to expedite.

#### 3. LAND USE

The above-described property, containing approximately 55 acres, shall be used for single family residential, assisted living, memory care and ancillary housing uses including a hotel, retail uses, plus commercial uses pursuant to City of Leesburg development codes and standards.

##### A. Uses

- 1) Uses shall be those listed as permitted uses in the PUD district as amended in this document and shall occupy the approximate area as shown on the Conceptual Plan Exhibit C.
- 2) Accessory uses shall be as follows:

- a. outdoor commercial recreation
  - b. bars and lounges within a hotel
  - c. clubs and lodges within an assisted living facility
  - d. educational facilities within an assisted living facility or hotel
  - e. Any other similar uses which are considered accessory to permitted uses which does not adversely impact the adjoining properties do to traffic, noise, dust, etc.
- 3) Uses prohibited shall be as follows:
- a. outdoor commercial recreation
  - b. commercial bars and lounges except as an accessory use to a hotel
  - c. clubs and lodges except as an accessory use to an assisted living facility
  - d. crematoriums
  - e. package stores
  - f. industrial uses
  - g. educational facilities
  - h. vehicle sales service and repair
  - k. kennels
  - l. truck stops
  - m. Any other similar uses which are not considered residential, office or commercial in character or intensity which may adversely impact the adjoining properties do to traffic, noise, dust, etc.

#### B. Residential Development

- 1) The project shall contain a maximum of 200 (residents) assisted living memory care residential units, 100 independent senior adult living units and 25 detached single family units on approximately 54.5 acres at a gross density of 12 units per acre for the senior adult site and a gross density of 4 units per acre for the single family site.
- 2) The minimum lot size shall be 6,000 square feet for the detached single family homes.
- 3) Minimum lot widths shall be 60 feet. Minimum lot depth shall be 100 feet.
- 4) The following minimum yard setbacks shall be maintained for single-family detached:
  - Front setback –20 feet;
  - Rear setback – 18 feet; and
  - Side setbacks - minimum of 5 feet.
- 5) Minimum distance between single-family detached structures shall be 10 feet with 20 feet for assisted living unit building groups; measured from building wall to building wall and the roof overhang shall not exceed 40 percent of the distance between the building wall and the property line.
- 6) Corner lots shall have a minimum side yard setback of 20 feet from the public right-of-way.
- 7) Accessory structures shall have a minimum rear and side setback of 5 feet and single accessory structures that are not attached to the principal structure shall not occupy more than 30 percent of the required rear yard.
- 8) An attached screened enclosure with screen roof must maintain a minimum setback of five (5) feet from the rear property line.
- 9) City staff as part of the preliminary site plan approval process shall approve final lot sizes and setbacks based on the general intent of the PUD as per conceptual plans.
- 10) Impervious surface coverage for single-family detached shall not exceed 70 percent.

- 11) A minimum of thirty (30) percent of the site shall be developed as open space, including retention areas, buffer and landscaped areas. Parking areas and vehicle access areas shall not be considered in calculating open space.
- 12) Maximum building height for single family detached units shall not exceed two stories or 30 feet except for the assisted living/memory care residential units which shall not exceed five stories or 55 feet.

C. Recreational Development

- 1) Recreational development shall include active and passive uses and consist of a minimum of 1.5 +/- acres of the project. Recreational development shall meet the requirements of the City of Leesburg Land Development Code (as amended) and adopted Growth Management Plan (as amended).
- 2) Recreational development provided on the site shall include active and passive uses, as well as enclosed or un-enclosed recreational space, devoted to the joint use of the residents. Such recreation space shall consist of not less than two hundred (200) square feet of space per dwelling unit. In computing usable recreation space, the following items may be considered at one and twenty-five hundredths (1.25) times the actual area.
  - a. Recreational activities such as tennis and hand ball courts, etc.
  - b. Developed recreational trails which provide access to the public trail system.
  - c. Swimming pool, including the deck area which normally surrounds such pools.
  - d. Indoor recreation rooms provided such rooms are permanently maintained for the use of residents for recreation.
- 3) Required stormwater areas and buffer areas shall not be considered as recreational space except for areas developed as recreational trails which provide access to the public trail system.
- 4) The Planned Unit Development shall provide planned accessibility from all areas of the development to any proposed recreational facilities including pedestrian access where possible.
- 5) Recreational uses may include, but not be limited to the following uses:
  - a. Satellite recreational centers, clubhouses within the residential areas
  - b. Tennis courts
  - c. Swimming pools
  - d. Shuffle board
  - e. Jogging Path / Pedestrian Path
  - f. Horse shoes
  - g. Croquet
  - h. Softball fields
  - i. Exercise rooms
  - j. Wood shop
  - k. Craft room
  - l. Media room
  - m. Card room
  - n. Billiards room
  - o. Library
  - p. Dressing room
  - q. Computer room
- 6) Developer shall provide a covered over look dock on Lake Harris for development residents. In addition, a nature trail/board walk shall be constructed from the overlook dock area to the west to tie into the proposed nature trail/board walk planned through the Royal Palms project, subject to approval by state and local permitting agencies.

5. DESIGN/ARCHITECTURAL REQUIREMENTS

- A. All buildings shall have a common architectural theme for each phase and the side of buildings which face residential areas or streets (public or private) shall be finished in the same materials as used in the front of buildings.
- B. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well designed and integrated into a comprehensive design style for the project including sides and rear of buildings which shall be integrated with the front elevation materials and design.
- C. Mechanical units and roof equipment should be screened from view with parapet or other screening method so that mechanical equipment is not seen from public right-of-way and the adjacent residential property.
- D. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well designed and integrated into a comprehensive design style for the project. The total exterior wall area of each building elevation shall be composed of one of the following:
  - 1) At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.
  - 2) At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a "cementitious" lap siding. (A "cementitious" lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option).
  - 3) All textured stucco, provided there are unique design features such as recessed areas, tile roofs, arched windows etc. in the elevations of the buildings or the buildings are all brick stucco. Unique design features shall be reviewed by the Community Development Director for compliance.
- E. Design of the commercial phase of the project shall comply with the intent of the Design Guideline Requirements (See Exhibit D).
- F. Single family detached and assisted living units shall be designed with elevations that are the same or similar to the attached elevations (See Exhibit F).
- G. Other similar design variations meeting the intent of this section may be approved at the discretion of the Community Development Director.

6. DEVELOPMENT STANDARDS

- A. The minimum development standards shall be those required for the C-3 Highway Commercial district for commercial uses except as amended by these conditions and may limit the permitted uses based on site plan requirements.
- B. Minimum building setbacks shall be fifty-five (55) feet except for single family residential uses from any abutting residential district property boundaries and thirty (30) feet from the western boundary.
- A. Structures other than single family detached units shall not exceed forty (40) feet in height (three stories) as measured from the first floor, finished floor level on the site except for hotel uses which shall not exceed fifty-five(55) feet and five (5) stories.
- D. A wildlife/archaeological management plan for the project site shall be prepared, if applicable, based on the results of an environmental assessment of the site and any environmental permit required from applicable governmental agencies. The management plan shall be submitted to

the City as part of the site plan application. The Permittee shall designate a responsible legal entity that shall implement and maintain the management plan.

- E. The permittee shall construct off-street parking spaces within the development pursuant to the City of Leesburg Code of Ordinances, as amended, which shall include the required number of handicapped parking spaces.

9. TRANSPORTATION IMPROVEMENTS

All transportation improvements shall be contingent upon site plan approval by City of Leesburg staff during development review/permit application. Said approval shall also be contingent upon review and approval by the MPO, Lake County and the Florida Department of Transportation where required.

A. Traffic/Transportation Study

A traffic/transportation study shall be submitted prior to final zoning approval for review and determination of any necessary access improvements, including any off-site improvements required by FDOT, Lake County, the MPO or the City of Leesburg. Said improvements will be the responsibility of the Permittee.

B. Roadway Improvements

The applicant shall provide all necessary roadway and intersection improvements within the development and its connection to Dixie Avenue and east of Lake Street, included but not limited to the paving of Lake Street, Clark St., Mellathon Cr., and Monterey Dr. south to Lake Harris. Any offsite improvements required by FDOT, Lake County, MPO and City of Leesburg based on a current traffic analysis shall be the developers responsibility and shall be reviewed by City staff during the site plan review process. Approval of all necessary permits and improvements as required by the City of Leesburg, the MPO, Lake County and FDOT shall include any needed right of way, signalization and improvements required to support the development.

C. Internal Circulation

Drives and accesses shall be constructed within the interior of the development such that continuous vehicular access is available among and between all structures within the development.

10. LANDSCAPING AND BUFFER REQUIREMENTS

- A. All landscaping and buffering shall be in accordance with regulations contained within the City of Leesburg Code of Ordinances including;

- 1) For each one hundred (100) linear feet, or fraction thereof, of boundary, the following plants shall be provided in accordance with the planting standards and requirements of the City of Leesburg Code of Ordinances, as amended.

- a. Two (2) canopy trees
    - b. Two (2) ornamental trees
    - c. Thirty (30) shrubs
    - d. The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.
    - e. Existing vegetation in the required buffer shall be protected during construction.

- B. A vegetative landscape buffer area of a minimum of twenty-five (25) feet shall also be constructed and/or maintained in all areas adjacent to residential zoning classifications. Said vegetative buffer shall consist of existing trees and the required fence. A plan for the buffer shall be submitted to, and approved by, the Planning & Zoning Division during the site plan review process prior to issuance of a building permit.

- C. A buffer along adjacent parcels to the east and south consisting of an six (6) foot solid PVC fence shall be used as a visual and security buffer for adjacent residential areas. The fence shall include a continuous decorative cap and end column features where applicable. (See Exhibit E)

- D. Variations to the landscape requirements of the code may be approved by the Community Development Director, as long as the intent of the PUD and the Landscaping Code are maintained including consideration of existing natural vegetative buffers.

12. DEVELOPMENT PHASING

- A. The proposed project may be constructed in phases in accordance with the Planned Unit Development Conditions and Conceptual Plan. Changes to the Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Development review process.
- B. Implementation of the project shall substantially commence within 36 months of approval of this Planned Development. In the event, the conditions of the PUD have not been substantially implemented during the required time period, the PUD shall be scheduled with due notice for reconsideration by the Planning Commission at their next available regular meeting. The Planning Commission will consider whether to extend the PUD approval or rezone the property to another appropriate zoning classification.

Tony Bengé, with Bengé Development and developer of the project, stated that he was there to answer any questions.

Commissioner Townsend asked if they planned on starting soon. Mr. Bengé indicated that they do intend on moving forward. The developer, formerly Lenar Development, has undergone a repositioning of the markets and they have worked diligently to move toward a senior living facility. The project will be phased to create demands for the other parts. Commissioner Townsend asked if they had a break ground date. Mr. Bengé answered that after the Commission meetings they will be working on the site plan process with Chuck Hiott of BESH. They will be working on the site plan and will hopefully be ready to start April of next year.

Commissioner Bowersox asked there were looking for any public assistance. Dan Miller answered that Mr. Bengé has been working with Ken Thomas, Director of Economic Development, regarding state grants. Grants often depend on the number of jobs created.

Commissioner Marshall asked for clarification on the land uses portion of the PUD Conditions. Dan Miller said that the difference lies in whether or not the use will be accessory or stand alone.

Tim Coates, a resident on Mellathon Drive, stated that he is not against the project, but he does have concerns. He is questioning the PVC fence, and if it fell down, who would be responsible to fix it. He is suggesting a block wall. He asked about the 28 homes for the elderly, and if they don't sell to the elderly, would they then be sold to other people with kids. Mr. Bengé answered that there is a natural buffer and he would be willing to install an 8 foot PVC fence. Regarding the maintenance, the HOA would be responsible for the fence in the common area. Mr. Miller said that the PUD calls for a 6 foot solid PVC fence. Commissioner Bowersox stated that at this point they are not here to deal with the PVC fence, only to approve the PUD development.

This was the end of the discussion and the voting then took place.

**Commissioner Charles Townsend made a motion to APPROVE case # PUD-13-63 – REDUS (VENETIAN ISLE) – PLANNED DEVELOPMENTS REZONING. Commissioner Frazier Marshall SECONDED the motion which, PASSED by a unanimous voice vote of 6 to 0.**

**DISCUSSION ITEM**

None

**ANNOUNCEMENTS**

The next scheduled meeting date is July 18, 2013.

The meeting adjourned at 5:27 p.m.

James Argento, Chairperson

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Clell Coleman, Vice Chairperson

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Dianne Pacewicz, Administrative Assistant II